

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AUGME TECHNOLOGIES,

No. C 09-05386 JCS

Plaintiff(s),

**CASE MANAGEMENT AND  
PRETRIAL ORDER (JURY)**

v.

YAHOO!, INC.,

Defendant(s).

Following the Case Management Conference held on May 7, 2010, IT IS HEREBY  
ORDERED THAT:

The Court adopts the Joint Case Management Statement, except as modified by this Order.

Counsel must seek leave of Court to amend pleadings, add claims or add parties.

The last day to complete initial disclosures is **May 14, 2010**.

A further Case Management Conference is set for **August 13, 2010, at 1:30 p.m.**, before  
Magistrate Judge Spero, in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate, San  
Francisco, California. An updated Joint Case Management Conference Statement is due **August 6,**  
**2010.**

IT IS HEREBY FURTHER ORDERED THAT:

**I. CLAIM CONSTRUCTION**

Counsel shall comply with the following schedule with respect to the Claim Construction:

A. Last day for exchange of initial document demands pursuant to Pat. L.R. 3-1, and last  
day to serve Disclosures of Asserted Claims and Infringement Contentions pursuant to Pat L.R. 3-2:  
**June 24, 2010.**

B. Last day to serve Preliminary Invalidity Contentions pursuant to Pat L.R. 3-3, and last day for Document Production Accompanying Preliminary Invalidity Contentions pursuant to Pat L.R. 3-4: **September 13, 2010.**

C. Exchange of Proposed Terms and Claim Elements for Construction pursuant to Pat L.R. 4-1(a): **September 27, 2010.**

D. Exchange of Preliminary Claim Construction and Extrinsic Evidence pursuant to Pat L.R. 4-2(a): **October 18, 2010.**

E. Parties to file Joint Claim Construction and Pre-hearing Statement pursuant to Pat L.R. 4-3: **November 12, 2010.** Absent good cause shown, no more than ten (10) terms will be constructed at the Claim Construction hearing.

F. Completion of Claim Construction Discovery: **December 13, 2010..**

G. Opening Claim Construction Brief by Plaintiff pursuant to Pat L.R. 4-5(a): **January 10, 2011.**

H. Responding Claim Construction Briefs by Defendant pursuant to Pat L.R. 4-5(b): **January 31, 2011.**

I. Reply Claim Construction Briefs by Plaintiff pursuant to Pat L.R. 4-5(c): **February 14, 2011.**

J. The Claim Construction hearing, and further case management conference is set for **March 11, 2011, at 1:30 p.m.** Court will set post claim construction discovery, motions, and trial at the March 11, 2011 case management conference.

### **III. DISCOVERY DISPUTES**

In lieu of filing formal discovery motions, lead trial counsel for Plaintiff(s) and lead trial counsel for Defendant(s) shall meet and confer **in person** regarding the subject matter of the Motion(s) in an effort to resolve these matters. After attempting other means to confer on the issue (i.e. letter, phone call, e-mail) any party may demand such a meeting on ten (10) business days' notice. The location of the meeting will alternate with the first location selected by counsel for Plaintiff, the second by counsel for Defendant, etc. Within five (5) business days of the lead trial counsels' meet-and-confer session, the parties shall provide a detailed Joint Letter to the Court. This

1 Joint Letter shall include a description of every issue in dispute and, with respect to each such issue,  
2 a detailed summary of each party's final substantive position and their final proposed compromise  
3 on each issue. Upon receipt of the Joint Letter the Court will determine what future proceedings are  
4 necessary.

5 **IV. MEDIATION**

6 The parties shall file a joint letter by **May 21, 2010**, regarding the method of mediation, the  
7 name of the mediator, and mediation date, or request a referral to the Court's Alternative Dispute  
8 Resolution program.

9 IT IS SO ORDERED.

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11 Dated: May 12, 2010

  
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JOSEPH C. SPERO  
United States Magistrate Judge